

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 1395 of 2019**

- Kanta Devi Wd/o Late Ramavtar Paliwal Aged near About 72 Years R/o Agrawal Bhawan Vidyanagar, District Bilaspur, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Revenue And Disaster Management, Mahanadi Bhawan, Mantralaya, Capital Complex, Atal Nagar, New Raipur, District Raipur Chhattisgarh
2. State Of Chhattisgarh Through Secretary, Public Works Department, Mahanadi Bhawan, Mantralaya, Capital Complex, Atal Nagar, New Raipur, District Raipur Chhattisgarh.
3. Collector Bilaspur, Collectorate, Nehru Chowk, Bilaspur, District Bilaspur Chhattisgarh
4. Land Acquisition Officer Cum Sub Divisional Officer (Revenue) Bilaspur, District Bilaspur, Chhattisgarh
5. National Highway Authority Of India Through Project Director, Bilaspur Katghora Section Of National Highway, District Bilaspur, Chhattisgarh
6. Union Of India Through Secretary, Ministry Of Road, Transport And Highways, New Delhi
7. Chief Engineer Public Works Department (National Highway Division), Raipur, District Raipur, Chhattisgarh

---- Respondents

For Petitioner : Shri Manoj Paranjpe, Advocate

For Respondents/State : Shri Rahul Jha, Dy. GA

For Respondents No.5 to 7 : Shri B. Gopa Kumar, ASG for the Union of India

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****11/04/2019**

1. Learned counsel for the petitioner would submit that the petitioner's land bearing Khasra Nos.540/1, 540/2, 540/3, 541/3 total area 0.0897 sq. mtr. and

Khasra Nos. 541/1, 541/2, 541/4, 559/1 total area 0.1415 sq. mtr. situated at Gram Panchayat, Sendri, Ratanpur main road, district Bilaspur has been acquired for N.H. -111 for Bilaspur to Katghora by pass. However, while assessing compensation, multiplier of 1 has been used, whereas the Division Bench of this Court in WPC No.1649 of 2017 (Smt. Anita Agrawal Vs. State of Chhattisgarh and others) and other connected petitions has set-aside the Notification dated 04.12.2014, applying multiplier factor of 1 with direction to the State Government to issue fresh Notification indicating the multiplier factors in terms of the guidelines laid down in the statute and the judgment of the Division Bench.

2. In Smt. Anita Agrawal (supra), the following has been held by the Division Bench in paras 10, 11 & 12 :

10. Further, the question is not about the power of the State Government to issue such notification, the question is the manner in which such power has been exercised which can also be levelled as mindless exercise of power since by restricting the multiplier of factor to 1.00, the State is obviously trying to treat all land owners as one. This will deny to the poor land owners of the remote villagers, fair compensation and rehabilitation, which is the primary object behind the new Land Acquisition Act of 2013.
11. Drawing analogy from the view taken by the Division Bench of Bombay High Court, which we have quoted with due approval, Court is left with no option but to strike down the notification dated 04.12.2014 contained in Annexure P/1. A direction is issued that keeping in mind the legal position which emerges, the State Government will issue a fresh notification indicating the multiplier factors, in terms of the guidelines laid down in the statute and the judgment.
12. It goes without saying that all awards and compensations in relation to not only these Petitioners but all such persons whose lands have been acquired and a multiplier of 1.00 has been used for calculating the compensation, the same will be required to be revised and revisited in light of the new notification, which is required to be notified by the State Government, on priority."

3. In view of the above, the present writ petition is disposed of with direction that the petitioner shall move a representation before the concerned Collector (Land

Acquisition) within a period of 4 weeks from today. Thereafter, the said Collector shall decide the representation within 10 weeks from the date of the State Government's fresh Notification in terms of the directions issued by the Division Bench.

4. The writ petition stands disposed of.

Sd/-

Goutam Bhaduri
Judge

Ashu